

DEC 15 2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

FACSIMILE COVER SHEET

Deliver to: Eleni A. Shifcraw, USPTO

Art Group: 2136

Facsimile No.: 703-872-9306

Date: December 15, 2006

From: William W. Schaal, Reg. No. 39,011

Our Docket No.: 42390P11770

Number of pages 15 including this sheet.

Application No.: 09/896,088

Filing Date: 6/28/2001

Enclosed are the following documents:

Docket Due Date(s): 12/18/2006 |

Amendment: Response (11 pgs)

Appeal Brief (pgs)

Application: _____
(pgs) w/cover & abstract)

Assignment & Cover Sheet (pgs)

Certificate of Mailing _____

Continued Prosecution Application (CPA)

Declaration & POA (pgs)

Drawings: sheets, figures

Extension of Time: _____

Fee Transmittal (in duplicate)

IDS & PTO/SB/08 (pgs)

Other

Issue Fee Transmittal

Notice of Appeal

Petition for: _____

Request for Continued Examination (RCE)

Reply Brief (pgs)

Request & Certification Under 35 USC 122(b)(2)(B)(i)

Request to Rescind Previous Nonpublication Request

Response to Notice of Missing Parts & Formalities Letter

Response to Written Opinion (pgs)

Terminal Disclaimer

Transmittal of Publication Fee Due

Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Nicole Erquiaga 12/15/2006
Nicole Erquiaga Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Nicole Emulage.

DEC 15 2006

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

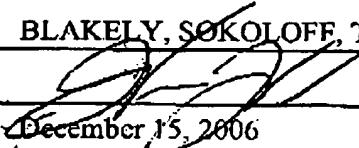
14

| | |
|------------------------|-------------------|
| Application No. | 09/896,088 |
| Filing Date | June 28, 2001 |
| First Named Inventor | Carl M. Ellison |
| Art Unit | 2136 |
| Examiner Name | Eleni A. Shiferaw |
| Attorney Docket Number | 42390P11770 |

ENCLOSURES (check all that apply)

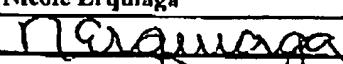
| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div> |
| Remarks <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature |  |
| Date | December 15, 2006 |

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

| | | | |
|-----------------------|---|------|-------------------|
| Typed or printed name | Nicole Erquiaga | | |
| Signature |  | Date | December 15, 2006 |

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (Rev. 10/12/2006).
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED
CENTRAL FAX CENTER

DEC 15 2006

FEE TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

| Complete If Known | |
|----------------------|-------------------|
| Application Number | 09/896,088 |
| Filing Date | June 28, 2001 |
| First Named Inventor | Carl M. Ellison |
| Examiner Name | Eleni A. Shiferaw |
| Art Unit | 2136 |
| Attorney Docket No. | 42390P11770 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | 32 | 33* | x | Extra Claims | Fee from below | = | Fee Paid |
|--------------------|----|-----|---|--------------|----------------|---|----------|
| Independent Claims | 5 | 5* | x | 0 | 50.00 | = | \$0.00 |
| Multiple Dependent | | | x | 0 | 200.00 | = | \$0.00 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 0.00 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 270 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple Dependent claim, if not paid |
| 1204 | 700 | 2204 | 395 | **Release independent claims over original patent |
| 1206 | 300 | 2206 | 150 | **Release claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

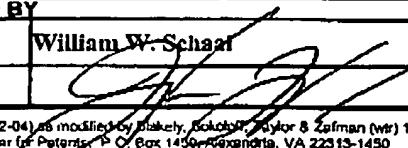
Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|---------------------|----------|--------------|----------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or cash |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 2459 | 130 | 2103 | 130 | Non-English specification |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month |
| 1252 | 450 | 2252 | 220 | Extension for reply within second month |
| 1253 | 1,020 | 2253 | 610 | Extension for reply within third month |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month |
| 1283 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month |
| 1401 | 500 | 2401 | 250 | Notice of Appeal |
| 1402 | 600 | 2402 | 260 | Filing a brief in support of an appeal |
| 1403 | 1,000 | 2418 | 610 | Request for oral hearing |
| 1451 | | 2451 | | Petition to institute a public use proceeding |
| 1480 | 120 | 2470 | 130 | Petitions to the Commissioner |
| 1607 | 50 | 1807 | 50 | Processing (co under 37 CFR 1.17(q)) |
| 1806 | 180 | 1801 | 180 | Submission of Information Disclosure Stmt |
| 1809 | 700 | 1809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 700 | 2810 | 305 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) | | SUBTOTAL (2) | | (\$) |

Fee Paid

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaefer | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 12/15/06 |

Based on PTO/SB/17 (12-04), as modified by Blakely, Sokoloff, Taylor & Zafman (W) 12/15/2004.
SEND TO: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

DEC 15 2006

| | | | |
|--|--|--------------------------|-------------------|
| FEE TRANSMITTAL for FY 2006 <small>Patent fees are subject to annual revision.</small> | | Complete If Known | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Application Number | 09/896,088 |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 0.00 |
| | | First Named Inventor | Carl M. Ellison |
| | | Examiner Name | Eleni A. Shiferaw |
| | | Art Unit | 2136 |
| | | Attorney Docket No. | 42390P11770 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION**1. EXTRA CLAIM FEES**

| Total Claims | 32 | 33* | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|-----|--------------|----------------|----------|
| Independent Claims | 5 | 5* | 0 | 50.00 | \$0.00 |
| Multiple Dependent | | | 0 | 200.00 | \$0.00 |

| Large Entity | | Small Entity | | |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple Dependent claim, if not paid |
| 1204 | 750 | 2204 | 395 | **Release independent claims over original patent |
| 1205 | 300 | 2205 | 150 | **Release claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

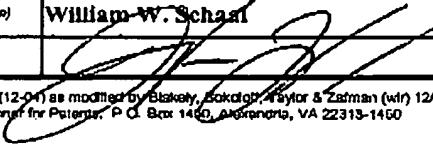
2. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| 1061 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1062 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1251 | 120 | 2261 | 00 | Extension for reply within first month | |
| 1252 | 450 | 2262 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2263 | 510 | Extension for reply within third month | |
| 1264 | 1,530 | 2264 | 795 | Extension for reply within fourth month | |
| 1266 | 2,160 | 2265 | 1,080 | Extension for reply within fifth month | |
| 1401 | 600 | 2401 | 260 | Notice of Appeal | |
| 1402 | 500 | 2402 | 260 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 800 | Request for oral hearing | |
| 1451 | | 2451 | | Petition to institute a public use proceeding | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1007 | 60 | Processing fee under 37 CFR 1.17(q) | |
| 1808 | 100 | 1008 | 180 | Submission of Information Disclosure Stmt | |
| 1809 | 700 | 1009 | 395 | Filing a submission after final rejection (37 CFR § 1.129(b)) | |
| 1810 | 700 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) | | SUBTOTAL (2) | | (\$) | |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaefer | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 12/15/06 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (xfr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

Appl. No. 09/896,088
Amtd. Dated: December 15, 2006
Reply to Office Action of September 18, 2006

DEC 15 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|-------------------|-----------------------|
| Application. No. | : | 09/896,088 | Confirmation No. 9497 |
| Applicant | : | Carl M. Ellison | |
| Filed | : | June 28, 2001 | |
| TC/A.U. | : | 2136 | |
| Examiner | : | Eleni A. Shiferaw | |
| Docket No. | : | 042390.P11770 | |
| Customer No. | : | 8791 | |

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

In response to the Office Action of September 18, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.